UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
MITCHELL, JASON D

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _16 May 2005_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-25_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-25_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to remarks filed on 5/16/05.

2.   Claims 1-25 are pending in this case.

Response to Arguments

1.   **Applicant's arguments on pp. 10-15 regarding the 102(e) rejection of claims**

1, 3-8, 10-15, 17-21 and 25 over US 6,311,321 to Agnihotri et al. have been fully

considered but they are not persuasive.

In the last paragraph on pg. 10, Applicant states:

> The rejected independent claims 1, 8, 15, and 25 all recite "plug-in code files *derived*
> *from the management data*" and "display panel files *derived from the management*
> *data*" these features are not taught or suggested by AGNIHOTRI. ... AGNIHOTRI
> fails to teach or otherwise describe or suggest the origin of the "applet components"
> and install interface" the Examiner refers to. (emphasis in original)

Examiner respectfully disagrees. The language of the claims places no limitations on

the terms 'management data' and 'derived'. Consequently the scope of the claim is very

broad. With that in mind, Agnihotri's applets are 'device management applications' (see

Title and Abstract) and thus must have, been created using ('derived from') data

regarding the possible settings of the device to be managed ('management data').

Therefore using the broadest reasonable interpretation of the claim, Agnihotri discloses

'plug-in code files derived from the management data'.

Further, the 'device management applications' are represented in 'Enterprise

management consoles' (col. 4, lines 55-68) and consequently the associated display

panel is also 'derived from the management data'.

Accordingly, the rejection of claims 1, 3-8, 10-15, 17-21 and 25 over US 6,311,321 to

Agnihotri et al are maintained.

Applicant's arguments on pg. 12 regarding the 102(e) rejection of claims 25 over

US 6,311,321 to Agnihotri et al. have been fully considered but they are not

persuasive.

In the 4th full paragraph on pg. 12, Applicant states:

> In addition, with respect to independent claim 25, AGNIHOTRI fails to teach or
> suggest the claimed feature of "retrieving on or more translation files derived from
> the management data, each of the translation files *corresponding to at least one*
> *national language*" ... Although the Examiner cites an excerpt from AGNIHOTRI that
> makes a passing reference to "language," the excerpt makes no mention of
> retrieving any translation files corresponding to any national language. In fact, from
> the context, it appears that by "language," AGNIHOTRI is referring to a computer
> programming language, such as C or Pascal, rather than a "national" or "natural"
> language used for human communication.

Examiner respectfully disagrees. There is no indication that Agnihotri's reference to

'language' in col. 5, lines 43-51 necessarily indicates a computer language. In fact his

use of the phrase 'code language' in the next sentence when discussing C and C++,

could be seen as indicating a distinction. Further, Agnihotri provides a similar disclosure

in col. 7, lines 16-20 'properties of the console such as the language and version'. This

disclosure is also followed by a sentence where Agnihotri explicitly refers to program

code languages as 'code languages', lending additional weight to Examiner's reading of

Agnihotri.

Further, Agnihotri discloses the ability to 'store generic instruction sets ... for supporting

the installation process', necessarily indicating retrieval of said instruction sets (files).

Accordingly the 102(e) rejection of claim 25 over Agnihotri is maintained.

Applicant's arguments on pg. 13 regarding the 103(a) rejection of claims 22-23 over US 6,311,321 to Agnihotri et al. in view of "Common Information Model (CIM) Specification" have been fully considered but they are not persuasive.

The rejections of claims 22 and 23 are maintained for the same reasons given above regarding the rejections of claims 1 and 25.

Applicant's arguments on pg. 14 regarding the 103(a) rejection of claim 24 over US 6,311,321 to Agnihotri et al. in view of "Common Information Model (CIM) Specification" have been fully considered but they are not persuasive.

In the second full paragraph on pg. 14, Applicant states:

> AGNIHOTRI fails to teach or suggest anything regarding the origins of those "applet components." Thus, AGNIGOTRI certainly fails to teach or suggest a feature of generating a console plug-in code file, as recited in claim 24.

Examiner respectfully disagrees. As stated above, Agnihotri's 'applets' are necessarily 'derived from management data'.

Applicant's arguments on pg. 14 regarding the 103(a) rejection of claims 2, 9 and 16 over US 6,311,321 to Agnihotri et al. in view of "Common Information Model (CIM) Specification" have been fully considered but they are not persuasive.

The rejections of claims 2, 9 and 16 are maintained for the same reasons given above regarding the rejection of claim 1.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   **Claims 1, 3-8, 10-15, 17-21 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,311,321 to Agnihotri et al. (Agnihotri).**

Regarding Claims 1, 8 and 15: Agnihotri discloses receiving one or more console identifiers, each of the console identifiers corresponding to one of the management consoles (col. 5, lines 3-7 'provides the user the option to select one console'); retrieving one or more plug-in code files, each of the plug-in code files derived from the management data (col. 4, lines 50-55 'applet components') and each adapted to interface with one of the management consoles (col. 4, lines 50-55 'specific to the Enterprise management console'); retrieving one or more display panel files derived from the management data (col. 4, lines 58-63 'Install interface'); and writing the plug-in code files and the display panels to a distribution medium (col. 4, lines 32-35 'a software module provided on a tangible medium').

Regarding Claims 3, 10 and 17: The rejection of claims 1, 8 and 15 are incorporated respectively; further Agnihotri discloses retrieving one or more translation files derived from the management data (col. 4, 50-55 'class object definitions'), each of the translation files corresponding to at least one national language (col. 5, lines 43-46 'console information such as ... language'); and writing the translation files to the

distribution medium (col. 4, lines 32-35 'a software module provided on a tangible medium').

Regarding Claims 4, 11 and 18: The rejection of claims 1, 8 and 15 are incorporated respectively; further Agnihotri discloses that each of the display panel files is adapted to operate with a plurality of the management consoles (col. 4, lines 58-63 'generic interface').

Regarding Claims 5, 12 and 19: The rejection of claims 1, 8 and 15 are incorporated respectively; further Agnihotri discloses retrieving one or more plug-in runtime algorithms (col. 7, lines 3-8 'interface COM objects'), each of the algorithms corresponding to one of the console identifiers (col. 7, lines 3-8 'console specific commands'); generating a console plug-in code file for each of the console identifiers (col. 7, lines 3-8 'COM objects ... translate instructions ... into console specific commands'); and compiling each of the generated console plug-in files (col. 7, lines 3-8 'translate instructions ... into console specific commands'), the compiling resulting in an executable entity adapted to interface with the management console corresponding to the console identifier (col. 6, lines 62-65 'The console libraries').

Regarding Claims 6, 13 and 20: The rejection of claims 1, 8 and 15 are incorporated respectively; further Agnihotri discloses loading the distribution medium into a computer system (col. 4, lines 47-48 'install module'); displaying a name corresponding to each of the management consoles in a selection display (col. 5, lines 3-7 'provides the user the option to select one console'); receiving one or more selections from a user, each of the selections corresponding to one of the management consoles (col. 5, lines 3-7 'provides

the user the option to select one console'); copying the plug-in code files corresponding

to the selected management consoles from the distribution medium to a nonvolatile

storage device accessible by the computer system (col. 5, lines 15-18 'install the

component'); copying the display panel files from the distribution medium to a

nonvolatile storage device accessible by the computer system (col. 5, lines 15-18 'may

proceed to install the component'); and registering each of the plug-in code files with

one or more installed management consoles (col. 5, lines 15-18 'and make appropriate

updates to the console to integrate the component'), wherein the installed management

consoles are installed on the computer system (col. 5, lines 5-6 'consoles are installed

at a host system').

Regarding Claims 7, 14 and 21: The rejection of claims 6, 13 and 20 are incorporated

respectively; further Agnihotri discloses invoking one of the installed management

consoles (col. 5, lines 15-18 'and make appropriate updates to the console to integrate

the component'); receiving a console selection from a user (col. 5, lines 3-7 'provides

the user the option to select one console'); and displaying a display panel

corresponding to one of the display panel files in response to the received selection

(col. 5, lines 10-12 'an image file for graphical representation on the console').

Regarding Claim 25: Agnihotri discloses a computer program product stored on a

computer operable medium for packaging management data adapted to interoperate

with one or more management consoles, said computer program product comprising:

means for receiving one or more console identifiers, each of the console identifiers

corresponding to one of the management consoles (col. 5, lines 3-7 'provides the user

the option to select one console'); means for retrieving one or more plug-in code files

(col. 4, lines 50-55 'applet components'), each of the plug-in code files derived from the

management data and each adapted to interface with one of the management consoles

(col. 4, lines 50-55 'specific to the Enterprise management console'); means for

retrieving one or more display panel files derived from the management data (col. 4,

lines 58-63 'Install interface'); means for retrieving one or more translation files derived

from the management data (col. 4, 50-55 'class object definitions'), each of the

translation files corresponding to at least one national language (col. 5, lines 43-46

'console information such as ... language'); and means for writing the translation files

the plug-in code files and the display panels to a distribution medium (col. 4, lines 32-35

'a software module provided on a tangible medium').

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 2, 9, 16 and 22-24 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over US 6,311,321 to Agnihotri et al. (Agnihotri) in view of "Common

Information Model (CIM) Specification v. 2.2" (CIM).

Regarding Claims 2, 9 and 16: The rejection of claims 1, 8 and 15 are incorporated

respectively; further Agnihotri discloses the use of non-console specific management

applications (col. 6, line 56), but does not disclose that the definition is a common information model managed object format.

CIM teaches a common information model managed object format file (pg. 1, ch. 1.1 'management schemas') in an analogous art for the purpose of providing a 'conceptual framework ... to organize the available information about the managed environment' (pg. 1, ch. 1.1).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to model the 'device management applications' disclosed in Agnihotri (col. 6, line 56) using the CIM management schema because one of ordinary skill in the art would have been motivated to model the management information using a method which allows for ease of development and reuse (CIM Ch. 1 Introduction and Overview 'Ideally, information used to perform tasks is organized or structured to allow disparate groups of people to use it')

Regarding Claim 22: Agnihotri discloses a method of packaging management data adapted to interoperate with one or more management consoles, said method comprising: receiving one or more console identifiers, each of the console identifiers corresponding to one of the management consoles (col. 5, lines 3-7 'provides the user the option to select one console'); retrieving one or more plug-in code files, each of the plug-in code files derived from the management data and each adapted to interface with one of the management consoles (col. 4, lines 50-55 'applet components'); retrieving one or more display panel files derived from the management data (col. 4, lines 58-63 'Install interface'); retrieving one or more translation files derived from the management

data, each of the translation files corresponding to at least one national language (col. 5, lines 43-46 'console information such as ... language'); and writing the translation files, the plug-in code files and the display panels to a distribution medium (col. 4, lines 32-35 'a software module provided on a tangible medium'). Agnihotri does not disclose that the management data includes a common information model managed object format file, but discloses the use of non-console specific management applications (col. 6, line 56).

CIM teaches a common information model managed object format file (pg. 1, ch. 1.1 'management schemas') in an analogous art for the purpose of providing a 'conceptual framework ... to organize the available information about the managed environment'. It would have been obvious to a person of ordinary skill in the art at the time of the invention to model the 'device management applications' disclosed in Agnihotri (col. 6, line 56) using the CIM management schema because one of ordinary skill in the art would have been motivated to model the management information using a method which allows for ease of development and reuse (CIM Ch. 1 Introduction and Overview 'Ideally, information used to perform tasks is organized or structured to allow disparate groups of people to use it').

Regarding Claim 23: Agnihotri discloses a method of packaging management data adapted to interoperate with one or more management consoles, said method comprising: receiving one or more console identifiers, each of the console identifiers corresponding to one of the management consoles (col. 5, lines 3-7 'provides the user the option to select one console'); retrieving one or more plug-in code files, each of the

plug-in code files derived from the management data and each adapted to interface with

one of the management consoles (col. 4, lines 50-55 'applet components'); retrieving

one or more display panel files derived from the management data (col. 4, lines 58-63

'Install interface'); retrieving one or more translation files derived from the management

data, each of the translation files corresponding to at least one national language (col.

5, lines 43-46 'console information such as ... language'); retrieving one or more plug-in

runtime algorithms, each of the algorithms corresponding to one of the console

identifiers (col. 6, lines 55-60 'device management applications'); generating a console

plug-in code file for each of the console identifiers (col. 7, lines 3-8 'COM objects ...

translate instructions ... into console specific commands'); compiling each of the

generated console plug-in files, the compiling resulting in an executable entity adapted

to interface with the management console corresponding to the console identifier (col. 6,

lines 62-65 'The console libraries'); writing the translation files, the compiled plug-in

code files and the display panels to a distribution medium (col. 4, lines 32-35 'a software

module provided on a tangible medium'). Agnihotri does not disclose that the

management data includes a common information model managed object format file,

but discloses the use of non-console specific management applications (col. 6, line 56).

CIM teaches a common information model managed object format file (pg. 1, ch. 1.1

'management schemas') in an analogous art for the purpose of providing a 'conceptual

framework ... to organize the available information about the managed environment'.

It would have been obvious to a person of ordinary skill in the art at the time of the

invention to model the 'device management applications' disclosed in Agnihotri (col. 6,

line 56) using the CIM management schema because one of ordinary skill in the art

would have been motivated to model the management information using a method

which allows for ease of development and reuse (CIM Ch. 1 Introduction and Overview

'Ideally, information used to perform tasks is organized or structured to allow disparate

groups of people to use it').

Regarding Claim 24: Agnihotri discloses an information handling system comprising:

one or more processors; a memory accessible by the processors; a nonvolatile storage

area accessible by the processors; and a packaging tool for packaging management

data adapted to interoperate with one or more management consoles, the packaging

tool including: input logic for receiving one or more console identifiers, each of the

console identifiers corresponding to one of the management consoles (col. 5, lines 3-7

'provides the user the option to select one console'); retrieval logic for retrieving one or

more plug-in code files, each of the plug-in code files derived from the management

data and each adapted to interface with one of the management consoles (col. 4, lines

50-55 'applet components'); retrieval logic for retrieving one or more plug-in runtime

algorithms, each of the algorithms corresponding to one of the console identifiers (col.

6, lines 55-60 'device management applications'); code generation logic for generating a

console plug-in code file for each of the console identifiers (col. 7, lines 3-8 'COM

objects ... translate instructions ... into console specific commands'); and compiler logic

for compiling each of the generated console plug-in files, the compiling resulting in an

executable entity adapted to interface with the management console corresponding to

the console identifier (col. 6, lines 62-65 'The console libraries'); retrieval logic for

retrieving one or more display panel files derived from the management data (col. 4,

lines 58-63 'Install interface'); output logic for writing the compiled plug-in code files and

the display panels to a distribution medium (col. 4, lines 32-35 'a software module

provided on a tangible medium'). Agnihotri does not disclose that the management data

includes a common information model managed object format file, but discloses the use

of non-console specific management applications (col. 6, line 56).

CIM teaches a common information model managed object format file (pg. 1, ch. 1.1

'management schemas') in an analogous art for the purpose of providing a 'conceptual

framework ... to organize the available information about the managed environment'.

It would have been obvious to a person of ordinary skill in the art at the time of the

invention to model the 'device management applications' disclosed in Agnihotri (col. 6,

line 56) using the CIM management schema because one of ordinary skill in the art

would have been motivated to model the management information using a method

which allows for ease of development and reuse (CIM Ch. 1 Introduction and Overview

'Ideally, information used to perform tasks is organized or structured to allow disparate

groups of people to use it').

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jason Mitchell whose telephone number is (571) 272-

3728. The examiner can normally be reached on Monday-Thursday and alternate

Fridays 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Jason Mitchell

ANIL KHATRI
PRIMARY EXAMINER